

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Government Operations  
 2 Subcommittee

3 Representative Roberson, K. offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (16) is added to section 287.05712,  
 8 Florida Statutes, to read:

9 Section 287.05712 Public-private partnerships; public  
 10 record and public meeting exemptions.--

11 (16) PUBLIC RECORD AND PUBLIC MEETING EXEMPTIONS.--

12 (a) For purposes of this subsection, "competitive  
 13 solicitation" has the same meaning as in s. 119.071(1).

14 (b)1. An unsolicited proposal received by a responsible  
 15 public entity is exempt from s. 119.07(1) and s. 24(a), Art. I  
 16 of the State Constitution until such time as the responsible

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17 public entity provides notice of an intended decision for a  
18 qualifying project.

19 2. If the responsible public entity rejects all proposals  
20 submitted pursuant to a competitive solicitation for a  
21 qualifying project and such entity concurrently provides notice  
22 of its intent to seek additional proposals for such project,  
23 then the unsolicited proposal remains exempt until such time  
24 that the responsible public entity provides notice of an  
25 intended decision concerning the reissued competitive  
26 solicitation for the qualifying project or until the responsible  
27 public entity withdraws the reissued competitive solicitation  
28 for such project.

29 3. An unsolicited proposal is not exempt for longer than  
30 90 days after the initial notice by the responsible public  
31 entity rejecting all proposals.

32 (c) If the responsible public entity does not issue a  
33 competitive solicitation for a qualifying project, then the  
34 unsolicited proposal is no longer exempt 180 days after receipt  
35 of the unsolicited proposal by such entity.

36 (d)1. Any portion of a board meeting at which an  
37 unsolicited proposal that is exempt is discussed is exempt from  
38 s. 286.011 and s. 24(b), Art. I of the State Constitution.

39 2.a. A complete recording must be made of any portion of  
40 an exempt meeting. No portion of the exempt meeting may be held  
41 off the record.

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42 b. The recording of, and any records generated during, the  
43 exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I  
44 of the State Constitution until such time as the responsible  
45 public entity provides notice of an intended decision for a  
46 qualifying project or 180 days after receipt of the unsolicited  
47 proposal by the responsible public entity if such entity does  
48 not issue a competitive solicitation for the project.

49 c. If the responsible public entity rejects all proposals  
50 and concurrently provides notice of its intent to reissue a  
51 competitive solicitation, the recording and any records  
52 generated at the exempt meeting remain exempt from s. 119.07(1)  
53 and s. 24(a), Art. I of the State Constitution until such time  
54 as the responsible public entity provides notice of an intended  
55 decision concerning the reissued competitive solicitation or  
56 until the responsible public entity withdraws the reissued  
57 competitive solicitation for such project.

58 d. A recording and any records generated during an exempt  
59 meeting are not exempt for longer than 90 days after the initial  
60 notice by the responsible public entity rejecting all proposals.

61 (e) This subsection is subject to the Open Government  
62 Sunset Review Act in accordance with s. 119.15 and shall stand  
63 repealed on October 2, 2019, unless reviewed and saved from  
64 repeal through reenactment by the Legislature.

65 Section 2. (1) The Legislature finds that it is a public  
66 necessity that an unsolicited proposal received by a responsible  
67 public entity pursuant to s. 287.05712, Florida Statutes, be

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68 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
69 Article I of the State Constitution until a time certain.  
70 Prohibiting the public release of unsolicited proposals until a  
71 time certain ensures the effective and efficient administration  
72 of the public-private partnership process established in s.  
73 287.05712, Florida Statutes. Temporarily protecting unsolicited  
74 proposals protects the public-private partnership process by  
75 encouraging private entities to submit such proposals, which  
76 will facilitate the timely development and operation of a  
77 qualifying project. Protecting such information ensures that  
78 other private entities do not gain an unfair competitive  
79 advantage. The public record exemption preserves public  
80 oversight of the public-private partnership process by providing  
81 for disclosure of the unsolicited proposal when the responsible  
82 public entity provides notice of an intended decision; no longer  
83 than 90 days after the responsible public entity rejects all  
84 proposals received in a competitive solicitation for a  
85 qualifying project; or 180 days after receipt of an unsolicited  
86 proposal if such entity does not issue a competitive  
87 solicitation for a qualifying project related to the proposal.

88 (2) The Legislature further finds that it is a public  
89 necessity that any portion of a meeting of the responsible  
90 public entity at which an unsolicited proposal that is exempt  
91 from public record requirements is discussed be made exempt from  
92 s. 286.011, Florida Statutes, and s. 24(b), Art. I of the State  
93 Constitution. The Legislature also finds that it is a public

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94 necessity that the recording of, and any records generated  
95 during, a closed meeting be made temporarily exempt from s.  
96 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State  
97 Constitution. Failure to close any portion of a meeting wherein  
98 such unsolicited proposal is discussed, and failure to protect  
99 the release of the recording and records generated during that  
100 closed meeting would defeat the purpose of the public record  
101 exemption. In addition, the Legislature finds that public  
102 oversight is maintained because the public record exemption for  
103 the recording and records generated during any closed portion of  
104 a meeting of the responsible public entity are subject to public  
105 disclosure when such entity provides notice of an intended  
106 decision; no longer than 90 days after the responsible public  
107 entity rejects all proposals received in a competitive  
108 solicitation for a qualifying project; or 180 days after receipt  
109 of an unsolicited proposal if the responsible public entity does  
110 not issue a competitive solicitation for a qualifying project  
111 related to the proposal.

112 Section 3. This act shall take effect July 1, 2014.

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116 **T I T L E A M E N D M E N T**

117 Remove everything before the enacting clause and insert:  
118 An act relating to public records and public meetings; amending  
119 s. 287.05712, F.S., relating to public-private projects for the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1051 (2014)

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120 upgrade of public facilities and infrastructure; providing a  
121 definition; providing an exemption from public record  
122 requirements for unsolicited proposals received by a responsible  
123 public entity for a specified period; providing an exemption  
124 from public meeting requirements for any portion of a meeting of  
125 a responsible public entity wherein exempt proposals are  
126 discussed; requiring a recording to be made of the closed  
127 meeting; providing an exemption from public record requirements  
128 for the recording of, and any records generated during, a closed  
129 meeting for a specified period; providing for future legislative  
130 review and repeal of the exemption; providing a statement of  
131 public necessity; providing an effective date.